

# **2019 ANIMAL ABUSE AND DOMESTIC VIOLENCE CONFERENCE**

Friday, October 4, 2019  
Maricopa County Security Building  
9<sup>th</sup> Floor Ballroom  
222 N. Central Avenue,  
Phoenix, Arizona



## **THE LAW AND THE LINK**

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Distributed by:

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Phoenix, Arizona 85015

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EXECUTIVE DIRECTOR

# ANIMAL CRUELTY 101





**Pets Welcome.**  
**Humans**  
**Must be on**  
**Leash**





# Great Quotes and Why We Do What We Do

- “Anyone who has accustomed himself to regard the life of any living creature as worthless is in danger of arriving also at the idea of worthless human lives.” Albert Schweitzer
- "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Mahatma Gandhi
- "Think occasionally of the suffering of which you spare yourself the sight." Albert Schweitzer
- "All that is necessary for the triumph of evil is that good men do nothing." Edmund Burke

**I can't speak for myself  
You are my only voice**

[shakepaws.com](http://shakepaws.com)

**Would you help me?**



# Outdated Excuses for Behavior

- DUI – “It’s only a joyride.”
- Domestic Violence – “It’s only a family matter.”
- Animal Cruelty – “It’s only an animal, boys will be boys.”

# Views of Animals

The Past	Today
<i>It's just an animal.</i>	Studies have proven that most species of animals are sentient beings and companion animals, in particular, feel emotions and pain similar to humans.
<i>Animals have no rights.</i>	Every state in the United States has passed laws, many felony laws, against cruelty to animals.
<i>This is how we've always treated animals.</i>	Laws and society are evolving to what we instinctively know to be ethically and morally right in the treatment of animals. As society and laws change, so must behavior. Just because cockfighting was a cultural tradition in the past does not mean that it is tolerated or legal today.
<i>It's only a misdemeanor.</i>	Every state but one now has felony laws for the most serious forms of animal cruelty. And while some incidents are misdemeanor crimes, animal abuse should not be treated dismissively due to its connection to a host of other crimes.
<i>I have more important cases to deal with.</i>	When you hold animal abusers accountable, you can prevent other crime and begin to change a community in regards to safety.

# Why Do People Abuse Animals?

- Ignorance of the animals' needs, or of humane discipline techniques.
- Lack of empathy; failure to recognize that animals have feelings because it's "only an animal."
- Socialized abuse: a culture in which violence to others is condoned, respected or expected.
- Power and control: the same techniques of coercion and domination that mark domestic violence and other family violence. The pet may become a pawn and a vulnerable target as a way to intimidate or retaliate against another family member or ensure his or her silence or compliance with other abuse.
- Mental health issues.
- Don't believe animals are worth of moral consideration.



# Why Do People Abuse Animals?

- Inadequate coping skills: animals can become convenient, easily-accessible targets for momentary rage in times of crisis or stress.
- Displacement of hostility, redirection or re-enacting of abuse targeting the perpetrator, or a means to regain a sense of power after such violence.
- Sexual gratification.
- Satisfying a prejudice against a species or breed.
- Shocking people for amusement or enhancing one's own aggressiveness by impressing others with one's capacity for violence.
- Attempting to instill violent tendencies in the animal (e.g., attack-training).
- Deriving sadistic pleasure from causing suffering.
- Imitation of, or a rehearsal for, interpersonal violence.
- Sociopath.

# Why Do Children Abuse Animals?

- All of the above plus:
  - Curiosity or exploration
  - Peer pressure or coercion by a more powerful person
  - Relieve boredom or depression
  - Fear of the animal
  - To protect the animal from worse abuse
  - Re-enacting their experience of being abused
  - Regaining a sense of power after being abused
  - Imitating adult behaviors
  - Rehearsal for interpersonal violence

# These Cases Are Important

- Animal cruelty is a crime
- Offenders frequently have histories of multiple forms of aggression
- Motivations are similar
- Animal abuse rarely occurs in isolation
- Often dealing with the same perpetrators
- Early intervention can prevent violence from escalating

# These Cases Are Important

- Cruelty to animals and violence towards people have something in common:\*
- Both victims are living beings
- Both types of victims feel pain
- Both types of victims experience emotions
- Both types of victims experience distress
- Both types of victims may die from their injuries



# These Cases Are Important

- *Like children  
animals cannot  
call for help*
- *You and  
veterinarian are  
the victim's voice*





**DOGS CAN  
HELP US FIND**

- ☒ bombs
- ☒ drugs
- ☒ domestic abuse

# These Cases Are Important

- Title 13
- FBI
- Link
- Investigative aid to solve other crimes
- PC to discover other crimes (emergency aid/property) \*\*
- Discovered during investigation of other crimes (arson, DV)

# Community Involvement

- <http://www.wistv.com/2019/02/17/community-rallies-after-beloved-tommie-dog-tied-pole-set-fire-dies/>
- <https://wjla.com/news/local/richmond-animal-control-continues-raising-money-for-tommie-fund-now-in-memorial-of-tommie>
- Suspect placed dog on a tie out, set on fire and abandoned in Richmond, VA.





# Community Involvement/Education “Kitbull” by Pixar





# Animal Cruelty and The Link to Domestic Violence

<http://spotabuse.org/>

Milwaukee Campaign

<https://www.youtube.com/watch?v=TyuXkdqvJpw#action=share>



# The LINK

- Co-occurrence of 2 or more of these intra-familial crimes:
  - DV including stalking and rape
  - Child abuse (including physical and sexual abuse) and neglect
  - Elder abuse or neglect (including financial exploitation)
  - Animal abuse or neglect (including sexual assault, hoarding and fighting)
  
- Mistreating an animal no longer seen as an isolated incident that can be ignored
- Children abusing animals cannot be ignored

# The LINK

Is there a link between:  
violence to animals and violence to people?

Do researchers see a link?



## DOMESTIC VIOLENCE & PETS

AN ESTIMATED

**1 MILLION**

ANIMALS ARE **ABUSED OR KILLED**  
EACH YEAR IN CONNECTION WITH  
**DOMESTIC VIOLENCE.**



**71%** OF DOMESTIC  
VIOLENCE VICTIMS  
REPORT THAT THEIR ABUSER  
**ALSO TARGETED  
THEIR PET.**



# In a violent family everyone could be a victim

**A**ND THAT INCLUDES THE FAMILY PET. Animal abuse may be a warning sign of a violent home. It may be used as a threat to a spouse, a partner, an elderly parent, or a child. But it's *always* serious. And just like other family members, pets need a safe place to be. That's why The Humane Society of the United States encourages communities to create a Safe Havens for Animals™ program that provides temporary sheltering options for pets.

**ANIMAL CRUELTY IS FAMILY VIOLENCE.**  
To find out more about the connection and about Safe Havens for Animals, contact us.

*Promoting the protection of all animals*

**THE HUMANE SOCIETY  
OF THE UNITED STATES**

2100 L Street, NW, Washington, DC 20037  
202-452-1100 • [www.hsus.org/firststrike](http://www.hsus.org/firststrike)

SUPPORTED BY  
THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE





## LOVE SHOULD NOT MEAN FEAR


Domestic violence and spousal abuse are often preceded by threats and irrational behavior. Because domestic violence is a leading cause of homicide, both violence and the threat of abuse are prosecuted to protect the family.



The Baltimore Police Department now provides personnel dedicated exclusively to investigate domestic violence, assist with prosecutions, and send abusers to jail.

**Call 911 — FOR EMERGENCY RESPONSE**  
**Call 311 — FOR INFORMATION**

# Why These Cases Are Important



**DOGS CAN  
AID THE**

- ☒ blind
- ☒ elderly
- ☒ abused

76% of those who beat animals also beat family members.  
If you see an abused pet, call 911.  
You might just save a life. Or two.

**SpotAbuse.org**

Sponsored by Serve.



# The Connection Between Animal Cruelty and Human Violence



**“...the best predictor of future behavior is past behavior, and a past history of violence is the single most important predictor of future violence... Violence against animals is violence and when present is synonymous with a history of violence.”**

*- FBI Supervisory Special Agent Alan C. Brantley at a Congressional Briefing. May 13, 1998*



# NIBRS

Group A Offense Code – Crime Against Society

720 = Animal Cruelty

A = Simple/Gross Neglect

I = Intentional Abuse and Torture

F = Organized Abuse (Animal Fighting)

S = Animal Sexual Abuse



# Animal Cruelty and Domestic Violence

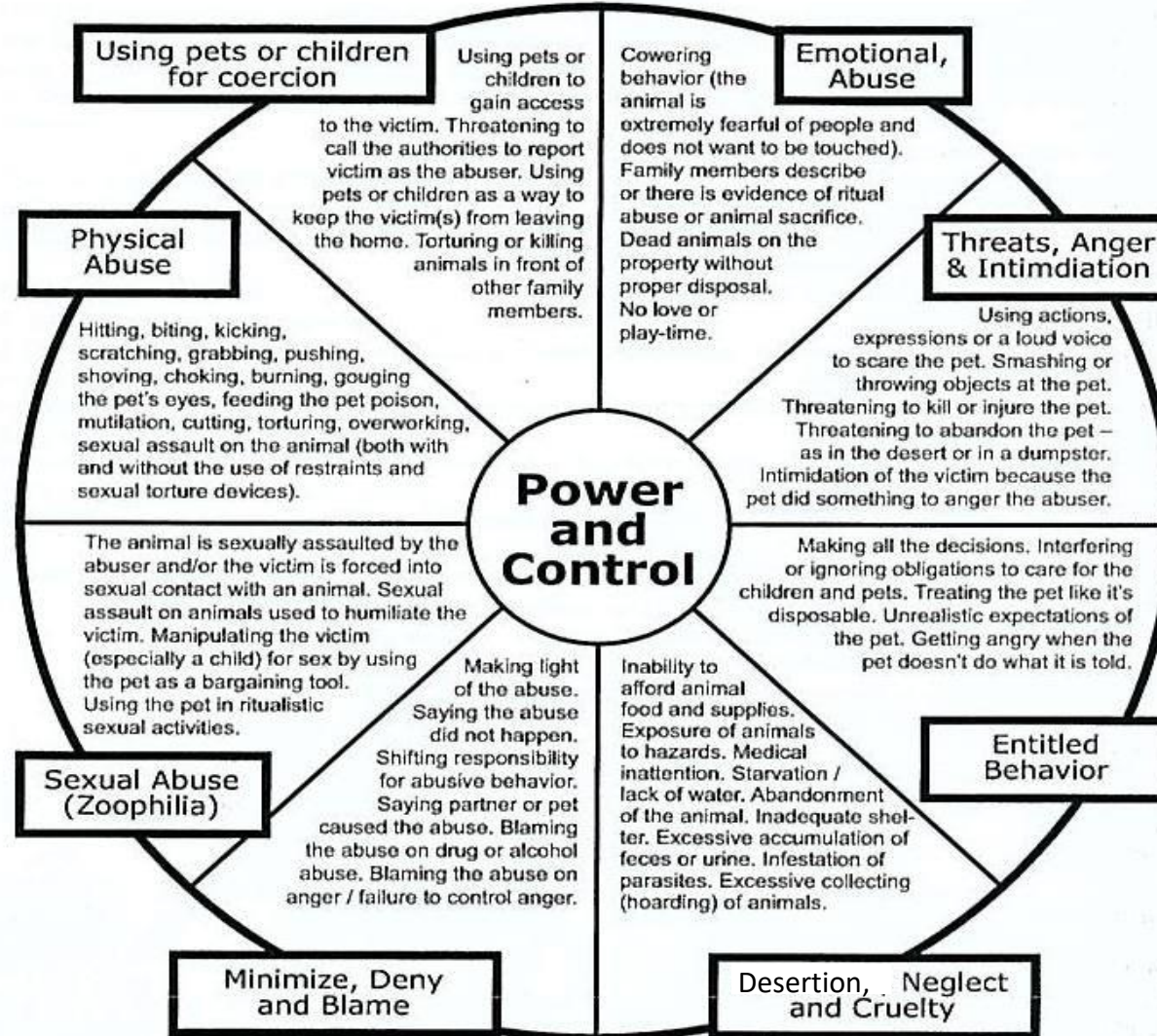
First victim of domestic violence may be the animals in the household

- Victimization prevention may begin with competent animal cruelty investigation
- Easier to discuss with law enforcement
- Suspects do not believe legal system takes these cases seriously

# Animal Cruelty and Domestic Violence

- The top three indicators that a woman is in danger of being killed by her abuser:
  - *Gestures/threats of homicide/suicide*
  - *Access to weapons*
  - *Threat to harm or kill companion animals*

# Animal Abuse Power Wheel:



# Lethality Assessments – A Useful Tool

At the time of this investigation, my body worn camera was activated and my contact while on scene was both audio and video recorded. A Copy of the recording was later uploaded as evidence.

1. Has your partner ever threatened/used a weapon against you? NO

2. Has your partner ever threatened to kill you, your children or pets? YES

My dog, believes he is in secure and I am always putting the dog first. "I'm gonna turn that dog into f'n pudding."

3. Has your partner ever tried to choke you? NO

4. Does your partner have a gun or can they get one? NO

5. Is your partner jealous or do they try to control you? YES

6. Has your partner ever tried to commit suicide? No

7. Has your partner ever forced you to have sex when you didn't want to? No

8. Do you feel like the violence against you is escalating in severity? Yes

Gone from verbal to physical, very hurtful and hurting my dog.

9. Do you think your partner may try to kill you? Yes

I don't know. That's the craziest party, I don't know.

10. Is your partner drunk/high on drugs on a frequent basis? No

# Lethality Assessments – Important Tool

1. Has your partner ever threatened/used a weapon against you? YES  
He told her he was going to use a gun and shoot her.

2. Has your partner ever threatened to kill you, your children or pets? YES  
To kill her and her kitten. She has no children.

3. Has your partner ever tried to choke you? YES  
With his hands but he left no marks.

4. Does your partner have a gun or can they get one? No  
but he could get one.

5. Is your partner jealous or do they try to control you? YES  
When they were together he did both.

6. Has your partner ever tried to commit suicide? NO

7. Has your partner ever forced you to have sex when you didn't want to? NO

8. Do you feel like the violence against you is escalating in severity? YES  
Started with grabbing her arm and eventually he started saying he was going to kill her.

9. Do you think your partner may try to kill you? YES  
Because of his threats to do so.

10. Is your partner drunk/high on drugs on a frequent basis? YES  
He smokes marijuana and gets drunk a lot.



Date of Interview: 11-7-2016

Time interview conducted: 0047

Name of person being interviewed: [REDACTED]

1. Has your partner ever threatened/used a weapon against you? YES

10 MONTHS AGO, REPORT WAS MADE. AFTER DRINKING HE CAME HOME AND I GAVE HIM A MASSAGE. HE SAID HE IS GOING TO JAIL FOR A DUI. HE SAID HE WAS GOING TO MURDER ME WHILE HE HAD A KNIFE IN HIS HAND. ASKED ME IF I WAS SCARED AND THEN HE WENT TOWARDS WHERE A GUN IS KEPT. GRABBED A GUN AND POINTED IT AT MY FACE. I WAS ABLE TO GET IN MY CAR AND LEAVE TO TUCSON. POLICE WERE CALLED ABOUT AN HOUR LATER

2. Has your partner ever threatened to kill you, your children or pets? YES

TONIGHTS INCIDENT HE THREATEND TO KILL MY PETS. SEE ALSO QUESTION ONE

3. Has your partner ever tried to choke you? YES

BACK IN MAY HE HAD ME IN A CHOKE HOLD AGAINST A WALL

4. Does your partner have a gun or can they get one? YES

5. Is your partner jealous or do they try to control you? YES

STARTED A BUISNESS THAT TAKES TIME. HE IS JEALOUS OF MY TIME. WANTS ALL MONEY GOING THROUGH JOINT ACCOUNTS. HE SHUT MY PHONE OFF WHEN I TRID TO CALL THE POLICE

6. Has your partner ever tried to commit suicide? NO

N/A

N/A

7. Has your partner ever forced you to have sex when you didn't want to? YES

WHEN HE IS DRUNK I DONT WANT TO HAVE SEX BUT HE INSISTS. DUE TO A MEDICAL CONDITION IT MAKES INTERCOURSE UNCOMFORTABLE AND HE STILL INSISTS ON HAVING SEX

8. Do you feel like the violence against you is escalating in severity? YES

Date of Interview: 05-05-2014

Time interview conducted: 1734

Name of person being interviewed: Jennifer ...

1. Has your partner ever threatened/used a weapon against you? YES

Has happened over fifty (50) times. the most recent was with a cell phone. He hit me across the back with the phone along with his fists. He also used knives before. He cut me on the left leg.

2. Has your partner ever threatened to kill you, your children or pets? YES

He has threatened to take the children out of the equation. One time when I left he called and said the cats would be gone if you don't come home. He threatens me all the time. He says i'm going to kill you if you leave. I'm going to kill you if you leave me.

3. Has your partner ever tried to choke you? YES

Last night (5-4-14) he tried to choke me from behind with his hands. He tiold me last night that his hands don't work so next time he would try with a strangle rope.

4. Does your partner have a gun or can they get one? YES

5. Is your partner jealous or do they try to control you? NO

He locks me into bedrooms and closets. He controls my job, the money, leases, and anything he can.

6. Has your partner ever tried to commit suicide? YES

He said he needed all of this to be over. Has not said how he would do it. I don't take him seriously. Has not said how.

7. Has your partner ever forced you to have sex when you didnt want to? YES

He held me down with my face down while he is behind me aand raped me from behind.

8. Do you feel like the violence against you is escalating in severity? YES

It used to be certain things that would set him off and now it seems like everything is OK and then he just lets it out.

9. Do you think your partner may try to kill you? YES

No answer chosen

Date of Interview: 3/20/2016

Time interview conducted: 2120

Name of person being interviewed: Brittany

1. Has your partner ever threatened/used a weapon against you? NO

N/A

2. Has your partner ever threatened to kill you, your children or pets? YES

Pets only. Kicked dog very hard whihc required surgery 7 years ago.

3. Has your partner ever tried to choke you? YES

Brittany was on Facebook and Matthew became jeaous and pinned her against wall with his hand around her neck. Brittany could breath with ease. Approx. 7 years ago

4. Does your partner have a gun or can they get one? NO

5. Is your partner jealous or do they try to control you? NO

Yes however she doesn't remember the details

6. Has your partner ever tried to commit suicide? YES

Attempted suicide in the past using illicit drugs

Heroin/ Opiates

7. Has your partner ever forced you to have sex when you didn't want to? NO

No answer chosen

8. Do you feel like the violence against you is escalating in severity? YES

Brittany stated Matthew has never thrown a rock at the house before.

9. Do you think your partner may try to kill you? NO

No answer chosen

10. Is your partner drunk/high on drugs on a frequent basis? YES

Yes and MATthew has a history of Opiate use and heroin addiction

SUPPLEMENT TO DR#15-0000  
-LETHALITY ASSESSMENT

Date of Interview: 8/01/2015

Time interview conducted: 0309

Name of person being interviewed: REBECCA

1. Has your partner ever threatened/used a weapon against you? YES

REBECCA STATED IF I EVER LEFT ANTHONY HE WOULD KILL ME AND HIMSELF

2. Has your partner ever threatened to kill you, your children or pets? YES

"NOT THE CHILDREN"...REBECCA ADVISED ANTHONY HELD THE FAMILY CAT OVER THE STAIR CASE THREATENING TO DROP THE CAT.

3. Has your partner ever tried to choke you? YES

3 TIMES IN TOTAL. 1) APPROACHED REBECCA FROM BEHIND AND PLACED HER IN A "HEADLOCK". 2) IN JUNE ON A FAMILY TRIP REBECCA WAS LYING ON HER BACK ON THE BED WHILE ANTHONY WAS KNEELING ON TOP OF HER CHOKING HER WITH BOTH OF HIS HANDS. 3) 10 YEARS AGO ANTHONY CHOKED REBECCA USING HIS HANDS WHILE SHE WAS PRESSED UP AGAINST THE WALL.

4. Does your partner have a gun or can they get one? YES

5. Is your partner jealous or do they try to control you? YES

ANTHONY CONTROL REBECCA'S MONEY. ANTHONY CHECKS REBECCA'S CELL PHONE (TEXT), LAP TOP (EMAILS) AND PURSE FOR RECEIPTS.

6. Has your partner ever tried to commit suicide? NO

REBECCA ADVISED DURING THIS INCIDENT ANTHONY STATED HE WAS GOING TO PUT A HOLLOW POINT ROUND IN HIS GUN AND GIVE REBECCA THE GUN TO PULL THE TRIGGER. ANTHONY MADE STATEMENTS BUT NEVER ATTEMPTED.

7. Has your partner ever forced you to have sex when you didn't want to? YES

ANTHONY "WOULD BASICALLY HELD ME DOWN, MOSTLY FROM BEHIND"

- Sojourner Center
- Family Promise Greater Phoenix
- Lost Our Home Pet Foundation
- Connecticut and Animal Victim Advocates



# Part II: The Law

# Prosecution of Animal Cruelty English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to “Introduction to the Principles of Morals and Legislation” (1781)
- **Argued that the capacity for suffering is what gives a being the right to legal consideration.**
- **“The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *suffer*?”**

# WHAT DOES ANIMAL CRUELTY LOOK LIKE?





# WHAT DOES ANIMAL CRUELTY LOOK





# WHAT DOES ANIMAL CRUELTY LOOK LIKE?





## Types of Cruelty- *Often Seen*

**Physical Non-Accidental**



**Neglect**



# Physical Non-Accidental Cruelty Omission of Care



# Some Examples of Physical Non-Accidental Abuse

- Asphyxia
- Blunt Force Trauma
- Poisoning
- Burning
- Sharp Force Trauma
- Organized blood sports
- Stabbing
- Mutilation

# Keep in Mind . . .

Animals can be abused and neglected in many different ways.

The motivation or reason for the crime may be different for each suspect.

How was the animal killed or injured?

How did the animal suffer will be important to your investigation.





# Arizona Animal Cruelty Statute

- A.R.S. 13-2910
  - 15 subsections (*as of August 27, 2019*)
  - 9 misdemeanors
  - 7 felonies
- A.R.S. 13-2910.01; animal fighting C5F
- A.R.S. 13-2910.03; cockfighting C5F
- A.R.S. §13-2910.09 Equine Tripping

# Other Statutes

A.R.S. § 3-1721 Mistreated Horses/Seizure

A.R.S. § 13-4281 Animal Seizure

A.R.S. § 13-1411 Bestiality (Beast Forum)

A.R.S. § 13-1802 Theft of an Animal for FIGHTING

A.R.S. § 13-2910 -2910.01-2910.06 Animal Cruelty/Animal  
Fighting

A.R.S. § 13-3601 Domestic Violence (Animal Cruelty)

A.R.S. § 32-2239 Mandatory Reporting- Veterinarians

A.R.S. § 44-1799-1799.09 Pet Dealers

Agriculture Title, Game and Fish Title and Federal

# Domestic Violence and Animals

- A.R.S. §13-3601A. "Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in . . . section 13-2910, subsection A, paragraph 8 or 9 . . .
- A.R.S. § 13-3602 (G)(7) Grant the plaintiff the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the plaintiff, the defendant or a minor child residing in the residence or household of the plaintiff or the defendant, and order the defendant to stay away from the animal and forbid the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal . . .
- Injunctions against harassment?

# A.R.S. Definitions

- Animal a mammal, bird, reptile, or amphibian.
- Cruel neglect means “to fail to provide necessary food, water, or shelter.”
- Cruel Mistreatment means “to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes protracted suffering to the animal.” Protracted vs. “painless” death. No definition of torture.
- Service animal means an animal that has completed a formal training program, that assists its owner in one in one or more daily living tasks that are associated with a productive lifestyle, AND that is trained not to pose a danger to the health and safety of the general public.

# Definition Continued

- Domestic Animal” means a mammal, not regulated by Title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.



# A.R.S. §13-4281 Seizure Statute

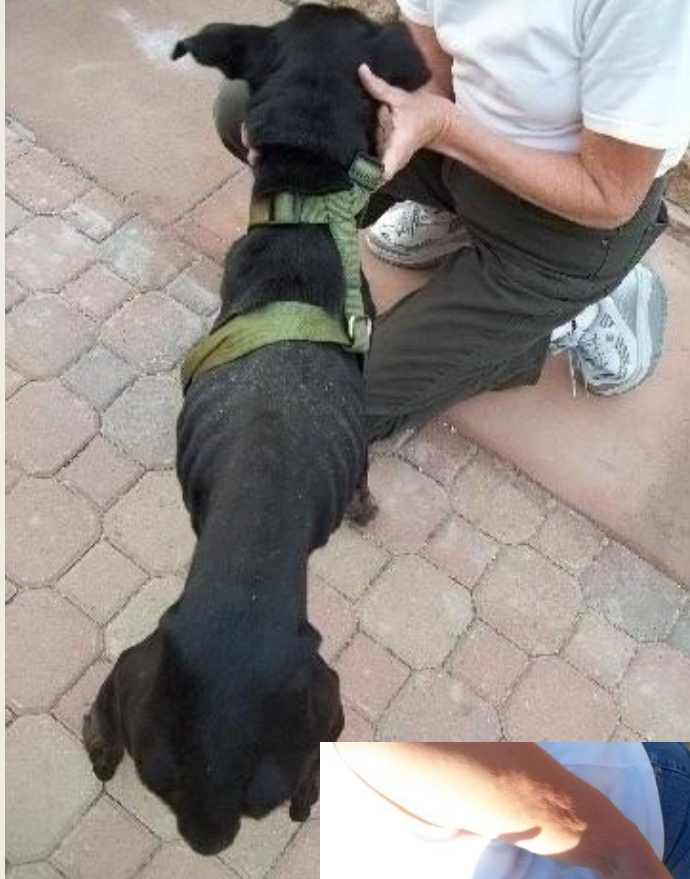
- A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to section 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following . . .
- B. On receipt of a declaration of ownership and post-seizure hearing request, the justice of the peace or city magistrate shall set a hearing date within fifteen business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of section 13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.
- USE OF LOCAL CODE!!!!

# CIVIL SEIZURE

- Welfare seizure and voluntary surrender
- Forms and procedure

A.R.S. §13-2910(A)(1) & A.R.S. §13-2910(A)(8)

- Intentionally, knowingly, or recklessly subjects any animal to cruel neglect or abandonment (Misdemeanor)
- Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal (Felony)(DV)





# Puppy Mills/Hoarding







- [BCS.pdf](#)
- <https://www.purinamills.com/horse-feed/education/detail/body-condition-scoring-your-horse>

## A.R.S. §13-2910(A)(2)

- Intentionally, knowingly, or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's care or control.
- Affirmative responsibility to seek medical care. Reckless behavior is no excuse under the statute.
- Misdemeanor

# Medical Neglect But . . .



- Torture: Inflict severe pain on
- Wally's case
- Bailey's case DV?

## A.R.S. §13-2910(A)(3)

- Intentionally, knowingly, or recklessly inflicts unnecessary *physical* injury to an animal.
- Minor injury qualifies.
- Ex. Throwing dog out of truck, scrapes to back end, but no *serious injury*
- Must have injury though. Kicking the dog with no injury not enough.
- Misdemeanor



## A.R.S. §13-2910(A)(4) & A.R.S. §13-2910(A)(9)

- Recklessly subjects any animal to cruel mistreatment. (Misdemeanor)
- Intentionally or knowingly subjects any animal to cruel mistreatment. (Felony)(DV)
- Torture....added element, not defined.

## A.R.S. §13-2910(A)(5)

- Intentionally, knowingly, or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
- Death.....does not matter how inflicted.

# A.R.S. §13-2910(A)(6) & A.R.S. §13-2910(A)(10) & A.R.S. §13-2910(A)(11) & A.R.S. §13-2910(A)(12)

- Recklessly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner. (Misdemeanor)
- Intentionally or knowingly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner. (Felony)
- Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service dog. (Felony)
- Recklessly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service animal. (Misdemeanor)

## A.R.S. §13-2910(A)(7)

- Intentionally, knowingly, or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
- A peace officer, animal control enforcement agent, or animal enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle.



# Car Temperature Chart

Initial Temperature (°F)				
	5	10	30	60
	127	133	149	167
	122	128	144	162
	117	123	139	157
	112	118	134	152
	107	113	129	147
	102	108	124	142
	97	103	119	137
	92	98	114	132
	87	93	109	127
	82	88	104	122
	77	83	99	117
Time (minutes)				

# A.R.S. §13-2910(A)(13)

- Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
- Mindset
- Don't steal a seeing eye dog.
- Felony

# A.R.S. §13-2910(A)(14) & A.R.S. §13-2910(A)(15)

## Class 5 Felony

Intentionally or knowingly subjects a domestic animal to cruel mistreatment.

Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.

- Effective August 27, 2019

# Hypothetical

- - What if you go on a domestic violence call and the defendant admits he killed his dog in front of his girlfriend, but that the dog is licensed to him?



# Animal Fighting



# Animal Fighting A.R.S. §13-2910.01

- Knowingly (required in all three sections)
- Owning, possessing, keeping or training any animal with the intent that such animal engage in an exhibition of fighting with another animal
- For amusement or gain causing any animal to fight with another animal, or causing any animals to injure each other.
- Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person's charge or control. A.R.S. §13-2910.01
- Class five felony.
- Changed in 2009 from dog fighting

## Presence at Animal Fighting A.R.S. §13-2910.02

- Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals, or is present at such exhibition, is guilty of a class 6 felony.





- Trunking
- Hogdogging

# Cockfighting A.R.S. §13-2910.03

- Knowingly
- Owning , possessing, keeping, or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.
- For amusement or gain, causing any cock to fight with another cock, or causing any cocks to injure each other.
- Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control
- Class five felony

## Presence at cockfight A.R.S. §13-2910.04

- Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting cocks, or is present at such exhibition, is guilty of a class one misdemeanor.

# Exempt Activities A.R.S. §13-2910.05

- Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of sections 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04.





# Exempt Activities A.R.S. §13-2910.06

- It is a defense to sections 13-2910, 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs

# A.R.S. § 13-2910.07

- Notwithstanding any other provision of title 3 or title 13, a person shall not tether or confine any pig during pregnancy or any calf raised for veal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:
  - 1. Lying down and fully extending his or her limbs; or
  - 2. Turning around freely.
- Cruel and inhumane confinement of pig during pregnancy or calf raised for veal
- There are exemptions such as for transport, rodeos . . .

# A.R.S. § 13-2910.09 Equine tripping

- A. A person who knowingly or intentionally trips an equine for entertainment or sport is guilty of a class 1 misdemeanor.
- First violation 48 hours
- Second 30 consecutive days
- Third 90 consecutive days
- Exemptions if rodeo etc

# Hypotheticals

- Is killing one's own animal a crime? Yes, pursuant to the statute.
- Is killing feral cats or pigeons a crime. Yes, they are animals pursuant to the statute. Other avenues to request assistance.
- A.R.S. § 13-2910(A)(9)
- Also would fall under A.R.S. § 13-2910(A)(3) (unnecessary physical injury)

# A.R.S. §13-1411 Bestiality

- A. A person commits **bestiality** by knowingly doing either of the following:
  - 1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
  - 2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal . . .
- D. **Bestiality** is a class 6 felony, except that **bestiality** pursuant to subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to [§ 13-705](#) if the other person is a minor under fifteen years of age.
- E. For the purposes of this section, “animal” means a nonhuman mammal, bird, reptile or amphibian, either dead or alive.



# A.R.S. § 13-1403 Public Sexual Indecency

- A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:
  - 1. An act of sexual contact.
  - 2. An act of oral sexual contact.
  - 3. An act of sexual intercourse.
  - 4. An act of bestiality.
- B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.
- C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.

## A.R.S. § 3-1491 Salt river horse herd

- A person shall not harass, shoot, injure, kill or slaughter, interfere with, take, chase, capture or euthanize a horse that is part of the Salt river horse herd . . .
- Class 1 misdemeanor

A.R.S. § 3-1297. Concealment of livestock killed or injured by railroad or motor vehicle; classification

- A person who buries, removes or in any manner conceals livestock killed or injured by locomotives or cars of a railroad company or by a motor vehicle, with intent to conceal the cause of the death or injury, is guilty of a class 3 misdemeanor.

# A.R.S. § 33-1370 Abandonment of Rental Property

. . . AT THE LANDLORD'S DISCRETION, THE TENANT'S ABANDONED ANIMALS MAY BE IMMEDIATELY REMOVED AND RELEASED TO A SHELTER OR BOARDING FACILITY. THE LANDLORD SHALL KEEP A RECORD OF THE NAME AND LOCATION OF THE SHELTER OR BOARDING FACILITY TO WHICH THE ANIMAL WAS RELEASED. IF THE LANDLORD DOES NOT IMMEDIATELY REMOVE AND RELEASE THE ABANDONED ANIMALS TO A SHELTER OR BOARDING FACILITY, THE LANDLORD SHALL PROVIDE REASONABLE CARE FOR THE ABANDONED ANIMALS FOR THE PERIOD PRESCRIBED BY SUBSECTION F OF THIS SECTION. IF THE LANDLORD IS UNABLE OR UNWILLING TO PROVIDE REASONABLE CARE TO THE ABANDONED ANIMALS, THE LANDLORD SHALL NOTIFY THE COUNTY ENFORCEMENT AGENT AS DEFINED IN SECTION 11-1001 OR AN ANIMAL CONTROL OFFICER AS PRESCRIBED IN SECTION 9-499.04 OF THE PRESENCE OF THE TENANT'S ABANDONED ANIMALS ON THE PROPERTY TO BE SEIZED PURSUANT TO SECTION 13-4281. THE LANDLORD IS NOT LIABLE FOR ANY ACTIONS TAKEN IN GOOD FAITH RELATED TO THE REMOVAL, RELEASE, SEIZURE OR CARE OF THE ABANDONED ANIMALS PURSUANT TO THIS SECTION. . . .

## A.R.S. §13-1802 (E) Theft

- Theft of any property or services valued at less than \$1000 is a class one misdemeanor UNLESS the property is taken from the person of another is a firearm or is AN ANIMAL taken for the purpose of animal fighting which is a class 6 felony
- Amended 7/13/09 to insert animal for dog



# 18 U.S. Code §48 Crush Videos

- (a) **DEFINITION.**—In this section the term “[animal crush video](#)” means any photograph, motion-picture film, video or digital recording, or electronic image that—(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to [serious bodily injury](#) (as defined in section 1365 and including conduct that, if committed against a [person](#) and in the special maritime and territorial jurisdiction of the [United States](#), would violate section 2241 or 2242); and
- (2) is obscene.

# CASES – What we see





- “Tarak passed the ultimate test of loyalty recently and was beaten to the brink of death with a bat for it. Most of us wonder what our dog would do if our own life was threatened. Would they run? Would they protect us? Would they greet our assailant with a wagging tail? Tarak chose protection in the midst of a traumatic domestic violence altercation when he jumped into a fight to save his mom. In doing so, he lost his right eye and received extensive head injuries that could have easily killed a weaker animal.”
- Despite his injuries he wags his tail when he sees people, plays with toys and gets along well with other dogs.
- (January 31, 2019)

# Skye





# Jeb G.

■ Jeb R. G.





# Jeb G.

- 911 call
  - [R15000004560 911 232240 \(Redacted\).wav](#)
  - [R15000004560 911 232902 \(Redacted\).wav](#)
- 
- Almost killed dog
  - Choked to point of defecation
  - Black eyes, bruises and lacerations to victim

- DOV 3/18/2015
- 3/21/15: no longer wishes to prosecute
- VIS
- Lethality assessment

# Another Example





# State v. Brickert





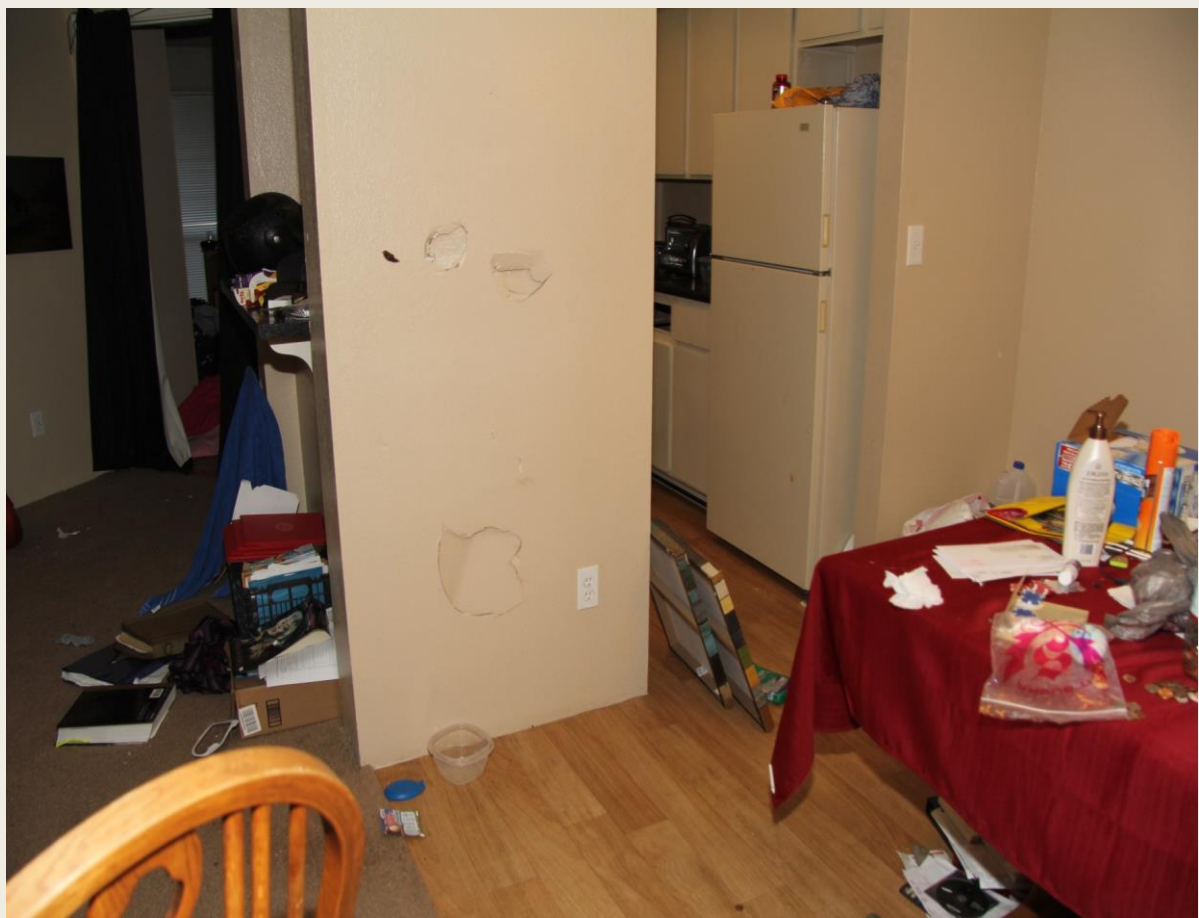




# State v. DeCarlos Jones













# Patrick Thompson







- Former ASU football player gets jail term in animal cruelty case

- Tyler Paley, Arizona Republic, September 29, 2016

- <http://www.azcentral.com/story/news/local/southwest-valley/2016/09/29/patrick-zane-thompson-asu-football-player-gets-jail-term-animal-cruelty-case/91264072/>

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- A Goodyear man and former Arizona State University football player received a six-month jail term to be followed by probation after breaking his family dog's neck and putting the poodle in an industrial-size smoker earlier this year. Patrick Zane Thompson, 42, pleaded guilty to animal cruelty and assault charges on Aug. 25. Maricopa County Superior Court Judge Brad Astrowsky on Thursday sentenced Thompson to six months in a Maricopa County jail, where he will be able to participate in a work-release program. Astrowsky said Thompson also will serve three-year and one-year terms of probation on his charges when he is released from jail. Thompson may not have custody or ownership of any animal during his probation, Astrowsky said. **Prosecutor Casey Mundell** called this "one of the more heinous cases I have seen." "This was an extremely dangerous situation," Mundell said. "It went very badly; it could've gone even more badly." Thompson's wife, Sharon, and daughter Bryonne were present for the sentencing and both spoke before Astrowsky issued his decision. "I truly believe he's learned his lesson and he's remorseful for his actions," Sharon Thompson said. "We need him. My children miss him, I miss him."

- 

- Thompson has been attending mental health and marriage counseling since May, according to his attorney, Jose Montano. Thompson initially was held on two felony and four misdemeanor counts relating to the death of his family's poodle, police documents showed. A necropsy report on the dog, Sparky, showed he died from smoke inhalation and not by strangulation. Sparky was still alive when Thompson put him in the smoker, the report said. "As far as the incident goes, I am very remorseful and apologetic for my actions and behavior," Thompson said. "The animal that was hurt, that was my buddy." Police were called to the 16000 block of West Mohave Street in Goodyear on May 15 where they found Thompson on the sidewalk with a self-inflicted gash in his arm, police documents said. Police said family members told them that Thompson had begun to act erratically. Thompson allegedly said in front of his wife and four children that after reading the Bible, he realized he had to sacrifice a male — either himself, his 6-year-old son or the family dog. Thompson grabbed the dog and broke its neck while his family pleaded with him to stop, police said. The family left the house and notified police. Police found the dog dead in the smoker. Thompson told officers that he had smoked marijuana earlier in the day and began having an "episode," court documents said. Both attorneys and Astrowsky agreed that marijuana was likely not the only factor in play given the magnitude of the incident and Thompson's state of mind at the time of the arrest. The smoker was contained in a truck in Thompson's back yard, documents showed. Thompson told Astrowsky he has three different smokers he uses for his catering business, and he no longer "primarily" uses the one that Sparky was killed in to cook food. Thompson played right guard on ASU's 1996 football team. The Sun Devils went 11-1 on the season and lost the Rose Bowl game to Ohio State University.





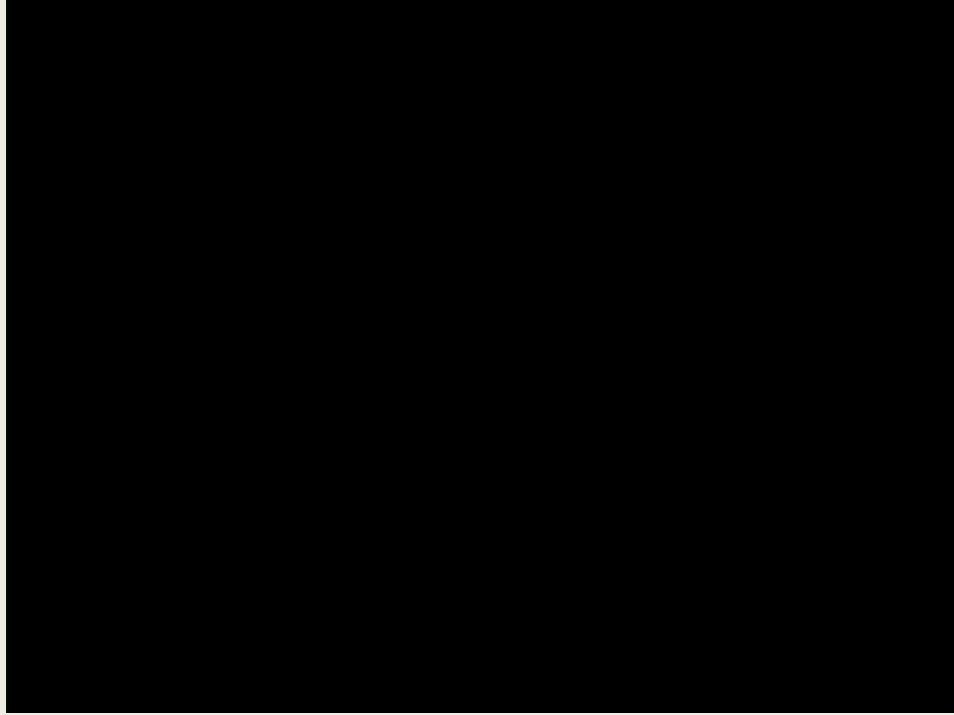


# Animal Cruelty/DV

## ■ James Holmes

- Psychiatrist
- DV
- Trajectory analysis

## ■ Dog in garbage can case











Everyone is getting into this  
Selfie thing. My dog sent me  
this pic this morning



# What is an Appropriate Outcome?

- ⦿ Probation
- ⦿ Treatment Sage Counseling
- ⦿ Animal ownership prohibitions
- ⦿ Education
- ⦿ Jail time
- ⦿ Misdemeanor

**PREVENT RECIDIVISM:** *How do we accomplish this?*

# What We Are Up Against?

- Lack of Knowledge on Why It matters
- Politics
- High profile cases

# How Do We get the Appropriate Outcome?

- Include stipulations in plea agreements

# Plea/Probation Terms

- Defendant shall be placed on supervised probation, the terms of which shall include: (1) Defendant shall not own, possess, transport, harbor, supervise, or have under his custody or control, an animal of any type. Defendant shall not have an animal of any type located on any property on which he resides, rents, or owns. Defendant shall make accommodations for any animals currently living on his property within THREE months of the Change of Plea date; (2) Defendant shall attend Anger Management Counseling; (3) Defendant shall forfeit all interest in the animals seized in Phoenix Police Department Departmental Report No. XXXXXX; and (4) Defendant shall pay restitution in an amount no less than \$1,410.00, but to exceed \$75,000.00, for all economic loss arising out of Phoenix Police Department Departmental Report No. XXXXXX, even if a count is amended, modified or dismissed pursuant to this plea agreement. Defendant shall pay restitution to the Arizona Humane Society in the amount of \$1,410.00, for all investigation costs and any and all economic expenses incurred regarding treatment, housing, and euthanizing of the animals seized as a result of the Defendant's **actions**. This amount shall be ordered at sentencing.

# How Do We get the Appropriate Outcome?

- Change the law
  - *Case study in Maricopa County*
- Include stipulations in plea agreements
- Educate...



# Sentencing Memorandums

- Important opportunity to impact the case judge and the rest of the bench
- File as early as possible
- Examples provided in your materials – disclaimer

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MCAO Firm #: 00032000  
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA, )  
Plaintiff, )  
vs. )  
JOHN SMITH, ) CR1234-567891-001 DT  
Defendant. ) **STATE'S SENTENCING MEMORANDUM**  
(Assigned to the Honorable Judge \_\_\_\_\_)

The State of Arizona, by and through undersigned counsel, hereby submits this memorandum in anticipation of the sentencing hearing in this matter scheduled for November 21, 2014.

Submitted September 6, 2016.

WILLIAM G. MONTGOMERY  
MARICOPA COUNTY ATTORNEY

**STATE'S SENTENCING RECOMMENDATION**

TO: The Honorable Judge  
FROM: Samantha Caplinger, Deputy County Attorney  
RE: State v. Jane Doe, CR1234-567891-001

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**DEFENDANT GUILTY OF:**  
Count 1: Cruelty to Animals, a class 6 undesignated felony; and Count 4: Cruelty to Animals, a class 1 misdemeanor.

**FACTS:**  
On February 15, 2014, the Arizona Humane Society (AHS) received an anonymous call regarding an emaciated dog at Defendant's residence. A Field Investigator with the AHS went to Defendant's residence, along with several Phoenix Police Department (PPD) officers. They attempted to make contact with anyone inside the home, but no one answered the door. The AHS investigator peeked over a gate on the side of the residence and noticed the emaciated female dog, Isis. Isis and another female dog, China ran up to the gate where the investigator was standing. At the same time, an aggressive male dog slammed into the gate. The male dog started attacking Isis. While the investigator was trying to leave water she heard a small puppy crying. At this point, a number was obtained for Defendant and the investigator tried calling multiple times, without success.

A few minutes after the calls, Defendant returned home. Defendant agreed to surrender China, Isis and her three puppies. As Defendant was gathering the animals, she informed the investigator that two of the three puppies were now dead. Defendant claimed the puppies had been alive that morning. Upon investigation of Defendant's back yard it was discovered that there was shade available to the animals, and a bucket of water was left out. The bucket was a re-used laundry soap container, which was too tall for the puppies to drink from. See Attached Photos. The 5 dogs were turned over to AHS, and it was noted that all of the dogs were underweight. There was no food located on the property.

Defendant claimed she had lost her job and had no money to feed or care for her dogs. Defendant also mentioned she could not afford to get Isis soaked, which is why she had more puppies.

# Teaching

*What is important to the investigation*

- What to photograph
- Videos
- What to ask Defendants
- Where to take animals
- The Necropsy and preserving the body
  - *Elimination of underlying disease argument*
  - *Give the veterinarian the opportunity to give a concrete cause of death*

# How Do We get the Appropriate Outcome?

- Include stipulations in plea agreements
- Educate...
- Think outside the box
  - *Animal Cruelty Diversion*
    - Both RCC and Justice Court

# Diversion Program Details

- Post-file deferred prosecution program for misdemeanor and felony offenders
- One of three pilot programs in the country
- Incorporates the AniCare Approach
- Identification, assessment, and treatment of Defendants who abuse animals
- Prosecution Policy and Procedure #17.1

# Steps

- First Step: Community based contractor's (SAGE) comprehensive clinical assessment
- Second Step: Placed in a treatment plan
- Third Step: Successfully complete treatment plan



# Treatment Plans

- Level I- “CARE” Companion Animal Responsibility and Care
- Level II- “BARK” Behavior, Accountability, Responsibility and Knowledge
- Level III- “AniCare”
  - *One on one psychological intervention*

# Important to Remember

- Remember to require Defendant to forfeit all interest in the animals seized
- If community service is included in the plea make sure it has nothing to do with animals
- Talk to your vet and/or forensic vet about case as early as possible





# Resources

- Casey Mundell, [mundellc@mcao.maricopa.gov](mailto:mundellc@mcao.maricopa.gov)
- Alison Ferrante, [alison.ferrante@mesaaz.gov](mailto:alison.ferrante@mesaaz.gov); 602.739.1297

(c)/480.644.3202 (w)

